

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELLY J. FOLEY,

Plaintiff,

vs.

ACCOUNTS RETRIEVABLE SYSTEM,
INC. AND JOHN J. MITCHELL DBA THE
LAW OFFICE OF JOHN J. MITCHELL,

Defendants.

No. C09-1549Z

ORDER

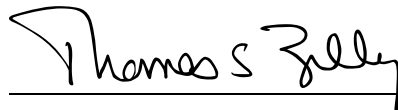
THIS MATTER comes before the Court on defendant The Accounts
Retrievable System, Inc.'s motion to dismiss, docket no. 13. The motion indicates that
the parties have reached a settlement of this matter, but that plaintiff Kelly J. Foley has
not taken steps to perfect the settlement. In a subsequent submission, defendant
advised the Court that the parties had executed a settlement agreement, but that
defendant seeks attorney fees for having to file the earlier motion to dismiss.
Defendant's counsel, however, did not provide any billing statements or other

1 documents to support the request for attorney fees. In addition, no copy of the
2 executed settlement agreement has been provided to the Court. No opposition to
3 defendant's motion having been filed, the Court hereby:

- 4 (1) DISMISSES this case with prejudice and without costs;
- 5 (2) DENIES defendant's request for attorney fees; and
- 6 (3) DIRECTS the Clerk to CLOSE this case and to send a copy of this Order
7 to all counsel of record.

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9 IT IS SO ORDERED.

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11 DATED this 8th day of November, 2010.

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14 Thomas S. Zilly
15 United States District Judge
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